

Docket Item #9
SPECIAL USE PERMIT #2004-0004

Planning Commission Meeting
April 6, 2004

ISSUE: Consideration of a request for a special use permit to change a nonconforming office to a nonconforming personal service use (hair salon).

APPLICANT: Dang Van Dong

LOCATION: 924 Queen Street

ZONE: RB/Townhouse

CITY COUNCIL ACTION, APRIL 17, 2004: This item was deferred at the request of the applicant.

PLANNING COMMISSION ACTION, APRIL 6, 2004: On a motion by Ms. Fossum, seconded by Mr. Jennings, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission was concerned about the potential for negative impacts from the proposed nonconforming commercial use on the surrounding residential neighborhood.

Speakers:

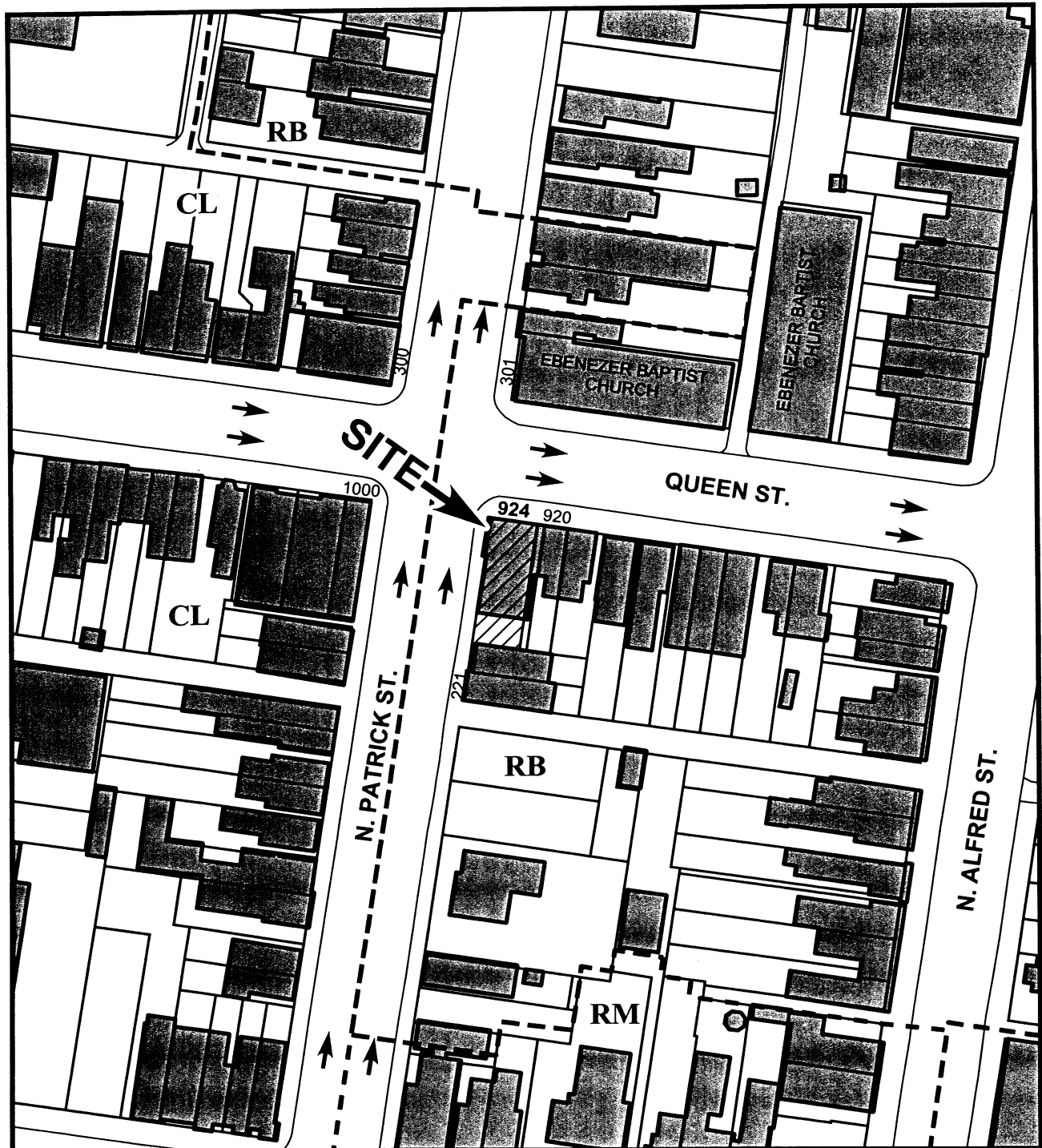
Roxanna Dreger, 918 Queen Street, spoke against the proposal expressing concerns about an increase in parking impacts and activity at the property.

Matt Dreger, 918 Queen Street, spoke against the proposal citing the same issues as Ms. Dreger, and adding that there are more than 25 salons in a five block radius of the property so that another will not enhance the neighborhood. Mr. Dreger also expressed concerns about loitering and the impact it would have on area property values.

Lysa Senich, 910 Queen Street, spoke against the proposal expressing concerns about parking.

Don Senich, 910 Queen Street, spoke against the proposal and expressed concern about existing impacts related to the church in the same block, particularly during special events, and believes the hair salon would add to those impacts.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2004-0004

04/06/04



I. DISCUSSION

REQUEST

The applicant, Dang Van Dong, requests special use permit approval to change a nonconforming office use to a nonconforming personal service use (hair salon).

SITE DESCRIPTION

The subject property is one lot of record located on the southeast corner of Queen and North Patrick Street with approximately 27 feet of frontage on North Patrick Street, approximately 68 feet of frontage on Queen Street, and with a total lot area of 1,835 square feet. The proposed salon space is 1,420 square feet. The site was most recently occupied by Allstate Insurance and was previously occupied by Ronson Management, a consulting firm that prepared engineering studies, data entry programs and other studies for the federal government. The building has in the past also been used for various commercial uses including a drug store, grocery store, laundromat, and rooming house. The most previous use of the building was as a nonconforming laundromat and a nonconforming rooming house.

SURROUNDING USES

The surrounding area is developed mostly with residential uses, but has commercial and office uses in the near proximity. Located on the southwest corner of the same intersection is the Queen Street Clinic. Located on the northwest corner of the intersection is the retail store "Upscale Gift Baskets". At the northeast corner of the intersection is the Hargrave Collins Educational Building, associated with the adjacent Ebenezer Baptist Church.

PROJECT DESCRIPTION

The applicant proposes to operate a hair salon in a space currently occupied by an office. Patrons of the salon will be primarily female. The applicant provided the following information on the specific aspects of the operation:

- Employees: The applicant anticipates about three to four employees on the premises at any one time.
- Hours: The salon is proposed to operate from 10:30 a.m. to 8:00 p.m. daily.
- Patrons: The applicant anticipates about 10 patrons each day.
- Trash: One bag of trash consisting of hair and paper products will be generated each day. Trash will be collected two times each week.
- Litter: The applicant will monitor the area for litter daily.

The property is located in the Parker Gray Historic District, and any signs or exterior alterations must be approved by the Board of Architectural Review.

PARKING

The subject property is located in the Central Business District. Therefore, there is no technical parking requirement. The applicant states that any employees and customers who drive will park on the street.

ZONING AND SUP HISTORY

The City's 1951 Zoning Ordinance included comprehensive city wide changes, and required that any nonconforming commercial uses in residential zones be terminated after 40 years, giving owners until 1991 to amortize their investment. In 1989, City Council amended the Zoning Ordinance to allow those commercial uses made nonconforming by the 1951 law to continue beyond 1991, with approval of a special use permit. Under Section 12-210 (B)(3) of the Zoning Ordinance, a case by case determination was permitted, and the SUP review is to determine whether the commercial use meets the following criteria:

- 1) The degree to which the commercial use serves the nearby neighborhood;
- 2) The degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and
- 3) The degree to which the commercial use enhances the nearby neighborhood.

In addition, under Section 12-210 (B)(4), the commercial use must serve and enhance the nearby neighborhood and meet the overarching standards for all special use permits in Section 11-504.

The subject location is one that fell within the 1951 group of nonconforming commercial sites in residential zones. It is located in the RB/Townhouse zone and has been operating as a nonconforming office use since October 19, 1985, when City Council granted Special Use Permit #1842 to change the use of the then existing nonconforming laundromat and rooming house at 922-924 Queen Street to a nonconforming office use. Other nonconforming uses occupied the property prior to the laundromat and rooming house. On January 3, 1991 City Council approved SUP #2458, under the criteria described above, to allow the continuation of the nonconforming office use at 924 Queen Street.

Other examples of nonconforming commercial uses in residential zones include the Dixie Pig at 1225 Powhatan Street (SUP#2003-0052) and Lee's Market at 801 Bashford Lane (SUP#2002-0080).

PROPOSED CHANGE OF NONCONFORMING USE

The nonconforming use changed from a laundromat to an office in 1985 (SUP#1842), and the applicant now requests to change from the office use to a hair salon.

According to Section 12-206 of the Zoning Ordinance, a nonconforming use may be changed with a special use permit to another nonconforming use in the same zone classification that applied to the nonconforming use immediately prior to the time such use first became a nonconforming use. Prior to 1951, when the use first became nonconforming, there were only two commercial zones in the city. The historical uses of the site had been a pharmacy, retail stores and a laundromat. All of those uses were permitted by the pre-1951 D2 zone, which also permitted office uses, and would have permitted a beauty salon.

MASTER PLAN

The subject property is located in the adopted Braddock Road Metro small area plan as described by the Master Plan and is designated for residential land use. The Master Plan does support a few scattered neighborhood oriented commercial uses within the area, recognizing that a delicate balance between commercial and residential development exists and should be maintained.

II. STAFF ANALYSIS:

Staff has no objection to the proposed nonconforming hair salon located at 924 Queen Street. Although the salon is proposed to be open on Sundays and in the early evening when the previous office was not, the small salon is proposed to have less than half the number of employees on site, reducing the potential for parking conflicts or other impacts on area residents. In addition, staff is not aware of complaints regarding parking or other problems with the previous office use. Staff's analysis regarding the proposal's compliance with the criteria for a nonconforming use in a residential zone is as follows:

A. The degree to which the commercial use serves the nearby neighborhood:

The proposed hair salon, a personal service use, provides a convenient service to area neighbors. Given its small size, it will most likely attract customers in the neighborhood rather than from the regional area. A hair salon is a type of use often seen in mixed use communities because it provides a convenience to immediate neighbors, without creating significant impacts on residential uses. The proposed hair salon is more neighborhood serving than the engineering consultant office that was approved by City Council in 1985.

B. The degree to which the commercial use is compatible with existing uses in the nearby neighborhood:

The immediate area has a mix of uses, including a doctor's office, a retail gift shop, a church building, and residential uses. Staff finds that the addition of the hair salon adds to the variety of neighborhood-serving commercial uses in the immediate area, and is more compatible with the area than the previous office uses at this location.

C. The degree to which the commercial use enhances the nearby neighborhood:

The prior office uses did little to enhance the neighborhood in that they did not necessarily interact with the community. The proposed hair salon will create a destination that neighbors can patron and walk to, increasing pedestrian activity and adding to the vitality of the neighborhood. By creating this opportunity, the proposed use would enhance the neighborhood.

Staff finds that the proposed hair salon will serve the nearby neighborhood, is compatible with existing uses in the nearby neighborhood, will generally enhance the nearby neighborhood, and is a more neighborhood serving use than the previous office uses. Therefore, staff supports the change of the nonconforming office to the nonconforming hair salon at this location.

Staff has included standard conditions regarding noise and hours of operation, and that employees must park off of the street to ensure that street parking is available to patrons and area residents. Staff has also recommended a one year review condition to ensure that the use continues to be compatible with the neighborhood.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. That the hours of operation of the business shall be limited to 10:30 a.m. to 8:00 p.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance to the salon. (P&Z)

4. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
5. The applicant shall control odors and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
6. No amplified sound shall be audible at the property line. (P&Z)
7. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
8. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
9. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant shall control odors and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 The current use is classified as R-2; the proposed use is B. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 7, Personal Grooming Establishments.
- C-4 Permits must be obtained prior to operation.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2004-0004

[must use black ink or type]

PROPERTY LOCATION: 924 QUEEN ST

TAX MAP REFERENCE: 064.04-05-01 ZONE: RB

APPLICANT Name: DANG VAN DONG / MY HAO

Address: 3302 ANNANDALE RD F L VA 22042

PROPERTY OWNER Name: SMZ

Address: -

PROPOSED USE: CHANGE FROM OFFICE, TO

BEAUTY SALON / AND CHANGE OF
OWNERSHIP

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

DANG VAN DONG
Print Name of Applicant or Agent

[Signature]
Signature

3302 ANNANDALE RD
Mailing/Street Address

5712263178
Telephone # Fax #

FALLS CHURCH VA 22042
City and State Zip Code

1/02/04
Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: Recommended Denial 760

ACTION - CITY COUNCIL: 4-17 - Deferred @ applicants Request
40

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

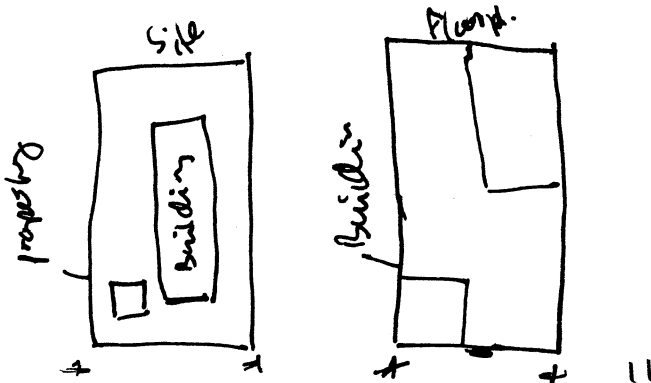
1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser
☐ Lessee or ☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ Yes. Provide proof of current City business license
☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.



3. Describe any proposed changes to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

The nature of the operation is for the use of a hair salon. Its patrons would normally be female. A standard number of employees for a typical hair salon would be about ~~4-5~~ ³⁻⁴ people. No noise would be generated. Its business hours is going to be from 10:00 Am to 7:00 pm daily and 12:00 ~~am~~ noon to 5:00 pm on Sunday. parking will be on street, ~~as in the back of the building if approve, a space which would fit 2 cars.~~

2/24/04

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☐ a new use requiring a special use permit,
☐ a development special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

10 people/day

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

426 3-4 ~~2 to 3~~ STAFF operated from
10³⁰ AM to 8⁰⁰ PM, 7 days

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

~~10³⁰ AM~~
7 days/week

10³⁰ to 8⁰⁰ PM

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Very small

B. How will the noise from patrons be controlled?

N/A

8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

N/A 70 HAIR/PAPER

B. How much trash and garbage will be generated by the use?

1 Bag a day

C. How often will trash be collected?

2 days/week

D. How will you prevent littering on the property, streets and nearby properties?

DAILY PICKUP AND
Sweep

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

12. What methods are proposed to ensure the safety of residents, employees and patrons?

N/A

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

N/A

- B. How many parking spaces of each type are provided for the proposed use:

 Standard spaces

 Compact spaces

 Handicapped accessible spaces.

ON STREET Other.

- C. Where is required parking located? ☐ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

- B. How many loading spaces are available for the use? _____

- C. Where are off-street loading facilities located? _____

N/A

Special Use Permit # 2004-0004

D. During what hours of the day do you expect loading/unloading operations to occur?

N/A

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

1420 sq. ft. (existing) + sq. ft. (addition if any) = sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

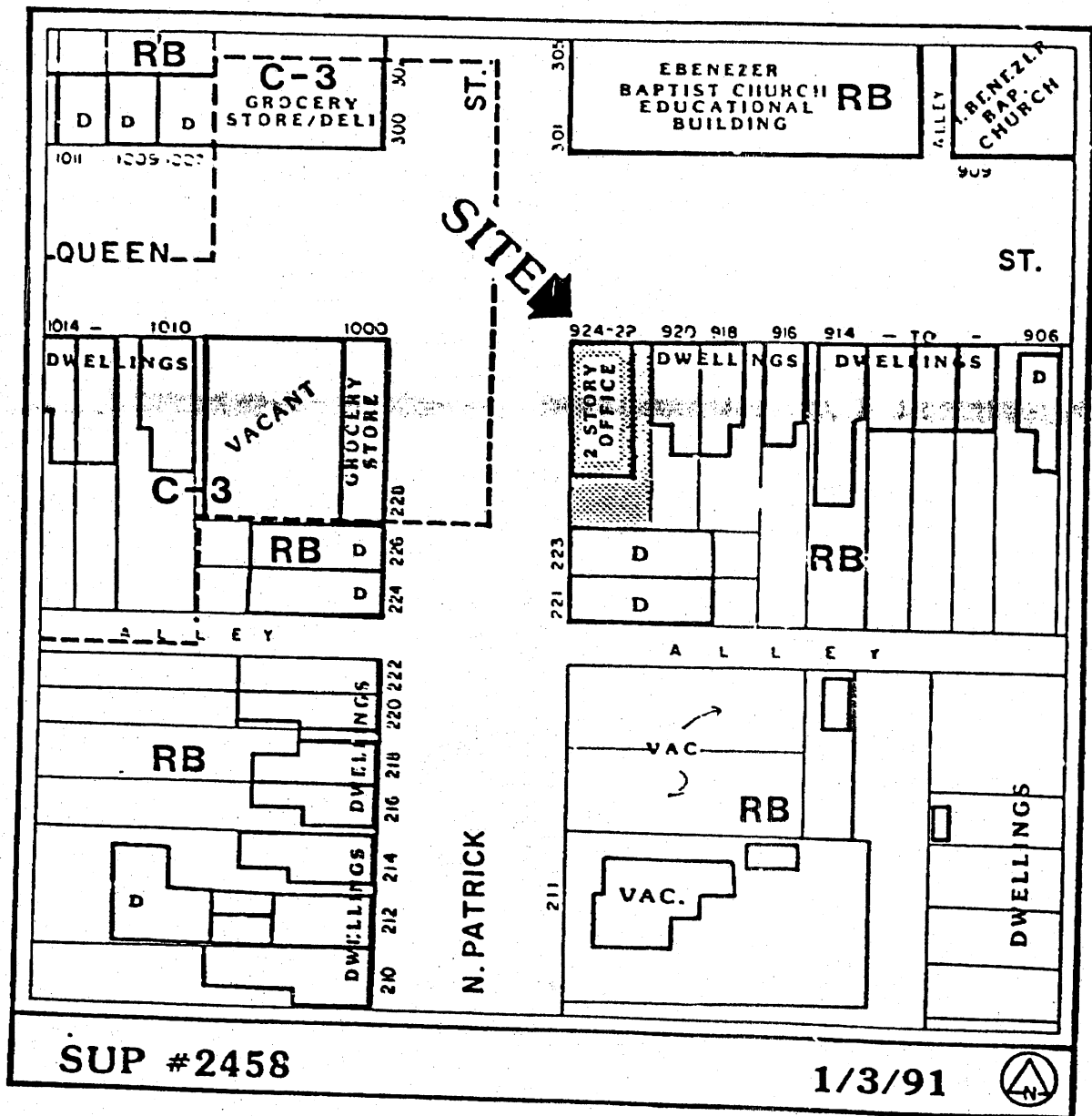
☐ a shopping center. Please provide name of the center: _____

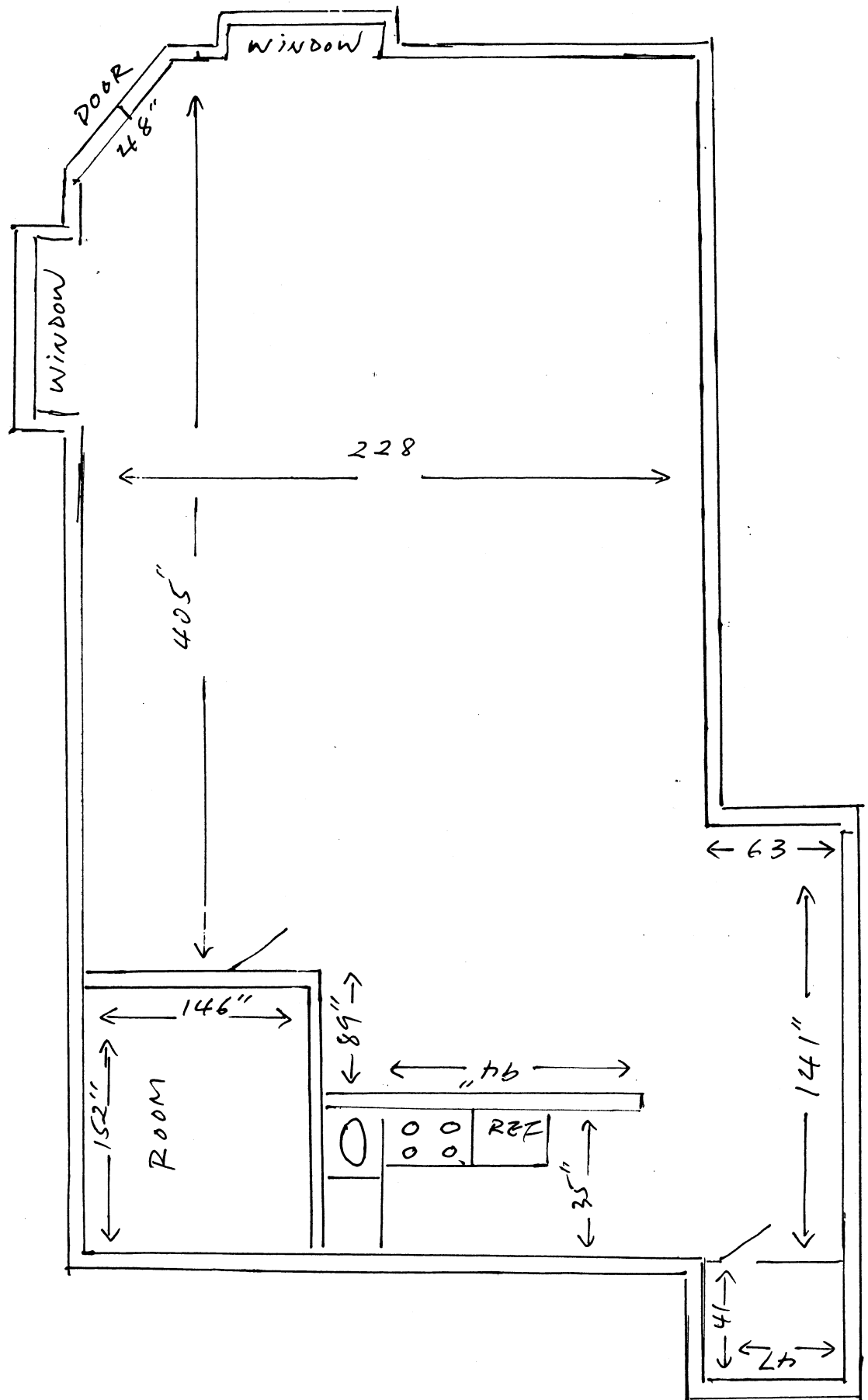
☐ an office building. Please provide name of the building: _____

☐ other, please describe: _____

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The subject property and surrounding land uses are shown on the sketch below:





Mark D. King, CPA
920 Queen Street
Alexandria, VA 22314

April 6, 2004

City of Alexandria
301 King Street
City Council Chambers
Alexandria, VA 22314

*PC Docket Item #9
SUP #2004-0004*

Dear Sir or Madam:

I am writing this letter in response to a certified letter I received referencing a public hearing regarding 924 Queen Street. It is my understanding that the owner of this property, Mr. Dang Van Dong is requesting a special use permit to change nonconforming office to a nonconforming personal service use, specifically, a hair salon. It is also my understanding that staff recommends that this be approved subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of the report for Special Use Permit #2004-0004.

It is my finding, upon a detailed review and upon legal advice sought, that this application is severely deficient in supporting the requirements set forth by the applicable codes and ordinances and recommended permit conditions by the staff of the City of Alexandria. Further, this application appears to misstate the true intentions of the business operator as the details do not support a business that has the intention to generate a profit, which undermines the credibility of this application as it appears the application has the sole intention of garnering the approval of both the Planning Commission and City Council.

Under the City's 1951 Zoning Ordinance, a special use permit can be granted to an existing non-conforming property on a case by case basis if the following three criteria are met.

1. The degree to which the commercial use serves the nearby neighborhood;
2. The degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and
3. The degree to which the commercial use enhances the nearby neighborhood.

With respect to the first point above, there are over 50 hair salons within a several block radius of 924 Queen Street. This particular establishment appears to be over-represented in Old Town given the size of the neighborhood. As a result of this saturation of hair salons, it appears that adding another hair salon would not serve the nearby neighborhood as it is, currently, more than adequately served by the other 50 plus hair salons in this community. I have attached a list of current hair salons within our vicinity for your reference.

Regarding the second point above, a hair salon would not be compatible with the nearby neighborhood as the 900 block of Queen Street, with the exception of the Ebenezer Baptist

Church and 924 Queen Street (the applicant), is entirely residential. On a daily basis, we have a parking shortage on the street for various reasons. First of all, patrons of the Clinic on the corner of Patrick Street and the 1000 block of Queen Street utilize the majority of the residential parking on the 900 block of Queen Street. In addition, on almost a daily basis, there is a function at the Ebenezer Baptist Church that utilizes all parking on the 900 block of Queen Street as well as Patrick Street from about 5:00 pm in the evening until about 9:00 pm, Monday through Friday, and at other unspecified times for funerals and other church functions. The only times during the week when parking is abundant is after 9:00 pm when the Clinic and Church have closed. Parking is almost non-existent on weekends, particularly on Sunday as patrons of the church utilize every available parking spot within the surrounding blocks.

One of the major contradictions in this application is that "the applicant states that any employees and customers who drive will park on the street." Given the address of this property, it can only be assumed that this will be along Queen Street. Even if on-street parking is permitted on Patrick Street, the parking problem will not be alleviated as it will force those who traditionally park on Patrick Street to move around the corner to Queen Street. A recommended condition by the staff is that "the applicant shall require that its employees who drive to work use off-street parking." This condition is not satisfied by the applicant's statement that "employees and customers who drive will park on the street." In addition, 924 Queen Street does not have any off-street parking and it can only be assumed that both employees and patrons will utilize on street parking.

According to the third point, the commercial use will have to enhance the nearby neighborhood. A hair salon will not satisfy this condition. In fact, approving this type of establishment will more than likely result in a devaluation of my property as well as the property of the neighbors. A successful example of enhancing the neighborhood relates to Upscale Gift Baskets, a gift basket delivery business, which replaced an old cellular phone store which constantly attracted loiterers on the corner of Patrick Street and the 1000 block of Queen Street. This business does not have much pedestrian traffic and as a result does not have an impact on local parking. A hair salon will encourage loitering in front of the establishment as patrons wait for appointments as well as generate unwanted and noisy commercial pedestrian traffic on a residential street. The former offices of Allstate Insurance were a good commingling of commercial and residential use property. This is not the appropriate location of a hair salon.

One additional item of concern relates to the facts stated in this application supporting a business purpose of this establishment. The document states that there will be approximately three to four employees at one time, however only ten patrons a day over an approximate 10 hour period while the salon is open. Given my background, this amount of patronage is not enough to sustain a business with three to four employees as well as generate enough cash to cover the monthly operating expenses. This immediately gives rise to the true intention of this application. Is this an attempt to misrepresent the facts in order to be granted approval of this special use permit or does this business have some ulterior motive? Given this type of business, the greater the patronage, the greater the impact this type of business will have on the immediate residents of the 900 block of Queen Street. It is in my best professional

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estimation that the amount of patronage is being underestimated in this application to be granted approval of a special use permit.

While I do not oppose Mr. Dang Van Dong trying to operate a business, I do have very strong views that a hair salon is not the type of business that will help enhance our community in this particular area. In talking to the other residents of the 900 block of Queen Street and Patrick Street, there is a lot of concern that this type of business is not well-aligned with the residents of these two blocks. We work extremely hard to keep our properties well-maintained and to do our part to help this transitional area along Route 1. We feel that this space is best suited to office space with low pedestrian traffic. Again, the prior offices of Allstate Insurance were a good fit on this block in terms of addressing all the aforementioned issues. We strongly encourage the owner to attract a law firm, real estate agency, or other professional service firm to use this space for their offices. It will not only be a good fit for the surrounding residents, but also be helpful in revitalizing the Route 1 corridor.

I respectfully request that this special request permit be denied and that another alternative be explored. I would be happy to discuss this issue further at any time of your choosing. Please do not hesitate to call me at (703) 585-5575 to discuss.

Sincerely,

Mark D. King
CPA

Enclosure

Attachment I – 50 Old Town Salon's within walking distance from 924 Queen Street

A Delicate Balance
Aquilano Hair
Azar Hair Salon
Bangs & Burns Hair Salon
Circle Salon Spa
Elaine's of Old Town
European Skin Care by Ludmila
Friseurs
Geometrics Hair Design
Glynn Jones Salon
Guenet Gevreselaissie
Hair by Diane
Hair Studio 1022
Hair Technique
InVision for Hair
Jan Selbo's Styles
Lilac
London Bob Hair Design
The Lords & Ladies Towne
Madison Hair Design
Marguerite Hair Stylist
Marie's Beauty Salon
Nahid's Beauty & Boutique
New Image Hair Salon
Nittaya's Hair Design of Olde Towne
Nubian Stars Hair Palace
Omo Salon
PR & Partners
Pazazz Hair Salon
Penelope's Vanity
Profiles Hair Studio
Reeves Hair Salon
Rosario Creative Hair Design
Royal Cuts
Shy Locks Haircutters
Signatures Hair Design
Silhouette Hair Design
Spectrum Beauty Academy
Studio 112 Hair Design
Sugarhouse
Sunny at Shylocks
Suzanne's Beauty Salon of Old Town
1016 Hair Professional
The Newimage Hair Salon
The Next Paige
Tonya Trina & Essie Hair Salon
Twisters Salon
The Ultimate Hair and Full Service Salon
Van Hair Stylist
Windsor of Old Town Hair Studio

6 April 2004

Planning Commission
Alexandria, VA

Re: Special Use Permit #2004-0004

To Whom it May Concern:

This letter is written to express my strong objection to the Planning Commission's preliminary approval of a request for a special use permit for a hair salon at 924 Queen Street.

As a resident for eight years, it is my opinion that there is no additional parking available for persons who do not reside on the block during both on and off peak hours. During business hours curb side parking on Queen St. between Route 1 and Alfred Streets is continually full. In the early evening, church members from the Ebenezer Congregation use up all vacant spots in order to attend their nightly functions, which average between 3-4 nights per work week. I regularly have to find parking on either Alfred or on another block further down on Queen. There is absolutely no available parking for a business, which has multiple employees and clients who plan to park on the block on a daily basis.

In addition to the parking problem, I do not believe that the neighborhood would benefit a from salon being on its block. In talking with my neighbors, there is no one who plans to become a patron. They all say that Old Town has an ample amount of salons that they can now visit. In fact, there are more than four or five just in the three to four block radius of our home.

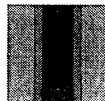
As far as enhancing our neighborhood, it is my strong feeling that this proposed salon will do very little. In fact, I think it would have the opposite affect, being that you will undoubtedly have people loitering and creating noise.

I respectfully request that the Commission not grant approval for the above mentioned special use permit.

Sincerely yours,



Brian R. Morris
912 Queen St.



924 Queen Street

Dong Van Dang
924 King Street
Alexandria, VA 22314

Alexandria Planning Commission
City Council Chambers
301 King Street
Alexandria, VA 22308

TO: City Council Members and Alexandria Residents

Dear Sir or Madame:

Learning from the previous hearing, I understood that neighbor residents were mostly concerning about parking problem arises from our hair salon. To resolve this problem, I spoke to a parking garage manager at 117 North Alfred Street. His name is Bobby Bryant; he will be able to make arrangement for our customers to park at his parking garage through parking vouchers at the salon's cost. As for the employees they will be parking at the same location with a monthly fee and we will split half of the cost with our employees. Hopefully, this can resolve the residents' parking problems.

Yours truly,

Dong Van Dang

30
6-12-04

Mark D. King, CPA
920 Queen Street
Alexandria, VA 22314

June 9, 2004

City of Alexandria
301 King Street
City Council Chambers
Alexandria, VA 22314

Dear Sir or Madam:

I am writing this letter in response to a certified letter I received referencing a public hearing regarding 924 Queen Street. It is my understanding that the owner of this property, Mr. Dang Van Dong is requesting a special use permit to change nonconforming office to a nonconforming personal service use, specifically, a hair salon. It is also my understanding that staff recommends that this be approved subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of the report for Special Use Permit #2004-0004.

It is my finding, upon a detailed review and upon legal advice sought, that this application is severely deficient in supporting the requirements set forth by the applicable codes and ordinances and recommended permit conditions by the staff of the City of Alexandria. Further, this application appears to misstate the true intentions of the business operator as the details do not support a business that has the intention to generate a profit, which undermines the credibility of this application as it appears the application has the sole intention of garnering the approval of both the Planning Commission and City Council.

Under the City's 1951 Zoning Ordinance, a special use permit can be granted to an existing non-conforming property on a case by case basis if the following three criteria are met.

1. The degree to which the commercial use serves the nearby neighborhood;
2. The degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and
3. The degree to which the commercial use enhances the nearby neighborhood.

With respect to the first point above, there are over 50 hair salons within a several block radius of 924 Queen Street. This particular establishment appears to be over-represented in Old Town given the size of the neighborhood. As a result of this saturation of hair salons, it appears that adding another hair salon would not serve the nearby neighborhood as it is, currently, more than adequately served by the other 50 plus hair salons in this community. I have attached a list of current hair salons within our vicinity for your reference.

Regarding the second point above, a hair salon would not be compatible with the nearby neighborhood as the 900 block of Queen Street, with the exception of the Ebenezer Baptist

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Church and 924 Queen Street (the applicant), is entirely residential. On a daily basis, we have a parking shortage on the street for various reasons. First of all, patrons of the Clinic on the corner of Patrick Street and the 1000 block of Queen Street utilize the majority of the residential parking on the 900 block of Queen Street. In addition, on almost a daily basis, there is a function at the Ebenezer Baptist Church that utilizes all parking on the 900 block of Queen Street as well as Patrick Street from about 5:00 pm in the evening until about 9:00 pm, Monday through Friday, and at other unspecified times for funerals and other church functions. The only times during the week when parking is abundant is after 9:00 pm when the Clinic and Church have closed. Parking is almost non-existent on weekends, particularly on Sunday as patrons of the church utilize every available parking spot within the surrounding blocks.

One of the major contradictions in this application is that "the applicant states that any employees and customers who drive will park on the street." Given the address of this property, it can only be assumed that this will be along Queen Street. Even if on-street parking is permitted on Patrick Street, the parking problem will not be alleviated as it will force those who traditionally park on Patrick Street to move around the corner to Queen Street. A recommended condition by the staff is that "the applicant shall require that its employees who drive to work use off-street parking." This condition is not satisfied by the applicant's statement that "employees and customers who drive will park on the street." In addition, 924 Queen Street does not have any off-street parking and it can only be assumed that both employees and patrons will utilize on street parking.

According to the third point, the commercial use will have to enhance the nearby neighborhood. A hair salon will not satisfy this condition. In fact, approving this type of establishment will more than likely result in a devaluation of my property as well as the property of the neighbors. A successful example of enhancing the neighborhood relates to Upscale Gift Baskets, a gift basket delivery business, which replaced an old cellular phone store which constantly attracted loiterers on the corner of Patrick Street and the 1000 block of Queen Street. This business does not have much pedestrian traffic and as a result does not have an impact on local parking. A hair salon will encourage loitering in front of the establishment as patrons wait for appointments as well as generate unwanted and noisy commercial pedestrian traffic on a residential street. The former offices of Allstate Insurance were a good commingling of commercial and residential use property. This is not the appropriate location of a hair salon.

One additional item of concern relates to the facts stated in this application supporting a business purpose of this establishment. The document states that there will be approximately three to four employees at one time, however only ten patrons a day over an approximate 10 hour period while the salon is open. Given my background, this amount of patronage is not enough to sustain a business with three to four employees as well as generate enough cash to cover the monthly operating expenses. This immediately gives rise to the true intention of this application. Is this an attempt to misrepresent the facts in order to be granted approval of this special use permit or does this business have some ulterior motive? Given this type of business, the greater the patronage, the greater the impact this type of business will have on the immediate residents of the 900 block of Queen Street. It is in my best professional

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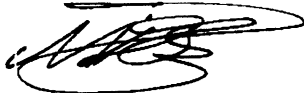
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estimation that the amount of patronage is being underestimated in this application to be granted approval of a special use permit.

While I do not oppose Mr. Dang Van Dong trying to operate a business, I do have very strong views that a hair salon is not the type of business that will help enhance our community in this particular area. In talking to the other residents of the 900 block of Queen Street and Patrick Street, there is a lot of concern that this type of business is not well-aligned with the residents of these two blocks. We work extremely hard to keep our properties well-maintained and to do our part to help this transitional area along Route 1. We feel that this space is best suited to office space with low pedestrian traffic. Again, the prior offices of Allstate Insurance were a good fit on this block in terms of addressing all the aforementioned issues. We strongly encourage the owner to attract a law firm, real estate agency, or other professional service firm to use this space for their offices. It will not only be a good fit for the surrounding residents, but also be helpful in revitalizing the Route 1 corridor.

I respectfully request that this special request permit be denied and that another alternative be explored. I would be happy to discuss this issue further at any time of your choosing. Please do not hesitate to call me at (703) 585-5575 to discuss.

Sincerely,



Mark D. King
CPA

Enclosure

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Attachment I – 50 Old Town Salon's within walking distance from 924 Queen Street

A Delicate Balance
Aquilano Hair
Azar Hair Salon
Bangs & Burns Hair Salon
Circle Salon Spa
Elaine's of Old Town
European Skin Care by Ludmila
Friseurs
Geometrics Hair Design
Glynn Jones Salon
Guenet Gevreselaissie
Hair by Diane
Hair Studio 1022
Hair Technique
InVision for Hair
Jan Selbo's Styles
Lilac
London Bob Hair Design
The Lords & Ladies Towne
Madison Hair Design
Marguerite Hair Stylist
Marie's Beauty Salon
Nahid's Beauty & Boutique
New Image Hair Salon
Nittaya's Hair Design of Olde Towne
Nubian Stars Hair Palace
Omo Salon
PR & Partners
Pazazz Hair Salon
Penelope's Vanity
Profiles Hair Studio
Reeves Hair Salon
Rosario Creative Hair Design
Royal Cuts
Shy Locks Haircutters
Signatures Hair Design
Silhouette Hair Design
Spectrum Beauty Academy
Studio 112 Hair Design
Sugarhouse
Sunny at Shylocks
Suzanne's Beauty Salon of Old Town
1016 Hair Professional
The Newimage Hair Salon
The Next Paige
Tonya Trina & Essie Hair Salon
Twisters Salon
The Ultimate Hair and Full Service Salon
Van Hair Stylist
Windsor of Old Town Hair Studio

June 9, 2004

[illegible]

6/12/04³

SPEAKER'S FORM

DOCKET ITEM NO. 30

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: JAMES PAN
2. ADDRESS: 7000 VANTAGE DR. ALEXANDRIA, VA 22306
- TELEPHONE NO. 703-786-3132 E-MAIL ADDRESS: _____
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
DANG VAN DONG
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: AGENT
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES X NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- (b) No speaker will be allowed more than three minutes.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.